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*through an affiliation with Jackson Lewis P.C., a Law Corporation

November 20, 2017

VIA ECF

Hon. A. Kathleen Tomlinson
United States Magistrate Judge
United States District Court
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722

Re: Reyes v. Sears Holdings Corporation et al.
No. 17-cv-04719 (JMA)

Dear Judge Tomlinson:

As counsel for Defendant XPO Last Mile, Inc. (“XPO LM”), we write with consent of counsel for the plaintiff pursuant to Your Honor’s Individual Practice Rule III(A)(1), to respectfully request the dismissal of Defendant XPO Logistics, Inc. from this action without prejudice, and the substitution of XPO Last Mile, Inc. as a Defendant in place of XPO Logistics, Inc. XPO LM acknowledges actual notice of this lawsuit and subjects itself to the jurisdiction of this Court in this action. Accordingly, XPO LM respectfully requests that Your Honor grant the Joint Stipulation for the Substitution of Parties, attached hereto.

We appreciate the Court’s consideration of this request.

Respectfully yours,

JACKSON LEWIS P.C.

Noel P. Tripp

NPT:dc

cc: All Counsel of Record, *via ECF*
Enclosure

4841-4206-3443, v. 1

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

VICTOR REYES, on behalf of himself and
all other similarly situated persons,

Plaintiffs,

v.

SEARS HOLDINGS CORPORATION,
SEARS, ROEBUCK & COMPANY and
XPO LOGISTICS, INC., successor-in-
interest to 3PD, INC.,

Defendants.

CIVIL ACTION

Civil No. 2:17-cv-04719

**JOINT STIPULATION FOR THE
SUBSTITUTION OF PARTIES**

Plaintiff Victor Reyes (“Plaintiff”) and Defendant XPO Logistics, Inc. (“Defendant”) (collectively, the “Parties”), by and through their undersigned counsel, stipulate as follows:

WHEREAS, on or September 25, 2017, Plaintiff filed his Class Action Complaint in the United States District Court for the Eastern District of New York;

WHEREAS, the Parties acknowledge, based on XPO Last Mile, Inc.’s representations, that XPO Last Mile, Inc., not XPO Logistics, Inc., is the proper defendant in this action;

WHEREAS, the Parties stipulate and agree that XPO Last Mile, Inc. should be substituted as a party in this action in place of XPO Logistics, Inc.; and

WHEREAS, XPO Last Mile, Inc. hereby acknowledges actual notice of this suit and subjects itself to the jurisdiction of this court in this action.

Stipulated and Agreed to By:

VICTOR REYES

By: /s/ Ravi Sattiraju with consent
Ravi Sattiraju
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Counsel for the plaintiff
** pro hac vice admission anticipated*

Date: November 20, 2017

XPO LAST MILE, INC.

By: /s/ Noel P. Tripp
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Counsel for XPO Last Mile, Inc.

Date: November 20, 2017

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

VICTOR REYES, on behalf of himself and
all other similarly situated persons,

Plaintiffs,

v.

SEARS HOLDINGS CORPORATION,
SEARS, ROEBUCK & COMPANY and
XPO LOGISTICS, INC., successor-in-
interest to 3PD, INC.,

Defendants.

CIVIL ACTION

Civil No. 2:17-cv-04719

ORDER GRANTING JOINT
STIPULATION FOR THE
SUBSTITUTION OF PARTIES

This matter having come before the Court on the parties' stipulation, and the Court being
duly advised on the premises,

IT IS HEREBY ORDERED that the Defendant XPO Logistics, Inc. shall be dismissed
from this action without prejudice; and

IT IS FURTHER ORDERED that XPO Last Mile, Inc. shall be substituted as a Defendant
in place of XPO Logistics, Inc. and subjects itself to the jurisdiction of this Court in this action.

IT IS SO ORDERED.

DATE

UNITED STATES MAGISTRATE JUDGE